

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RONNIE LYNN SMITH, SR.,

Defendant.

**CR-03-145-GF-BMM-01**

**ORDER ADOPTING MAGISTRATE  
JUDGE’S FINDINGS AND  
RECOMMENDATIONS TO REVOKE  
DEFENDANT’S SUPERVISED RELEASE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on October 16, 2015. (Doc. 153.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149–152 (1986). The Court will review Judge Johnston’s Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on October 15, 2015. (Doc. 150.) Smith admitted to violating his conditions of supervised release by consuming opiates and methamphetamine, and by failing to participate in

substance abuse testing. (Doc 153.) Judge Johnston found the evidence sufficient to establish that Smith had violated the conditions of his supervised release. (*Id.*)

Judge Johnston recommends that the Court revoke Smith's supervised release. (Doc. 153.) Judge Johnston recommends that the Court sentence Smith to twelve (12) months imprisonment followed by twelve (12) months of supervised release. (*Id.*) Judge Johnston further recommends that the conditions of release previously imposed should be continued. (*Id.*)

Smith's violation grade is Grade C, his criminal history category is VI, and his underlying offense is a Class C felony. The statutory range is a maximum of 24 months. The statutory and guideline term of supervised release is 28 months, less any custody time imposed. The United States Sentencing Guidelines call for eight to 14 months in custody.

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Smith's current violation is serious in nature. A sentence of twelve (12) months imprisonment followed by twelve (12) months of supervised release is sufficient, but not greater than necessary. The conditions of release previously imposed shall be continued.

**IT IS HEREBY ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 153) is ADOPTED IN FULL. **IT IS FURTHER ORDERED** that Defendant Ronnie Lynn Smith, Sr. shall be sentenced to **twelve**

**(12) months imprisonment followed by twelve (12) months of supervised release.**

DATED this 24th day of November, 2015.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive, flowing style. Below the signature is a solid horizontal line.

Brian Morris  
United States District Court Judge